

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:18-CR-278-FL-1

UNITED STATES OF AMERICA

v.

GABRIEL MANCILLA RIBERA,

Defendant.

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ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., regarding defendant’s motion to suppress (DE 24).¹ Defendant has filed an objection, and in this posture this matter is ripe for ruling.

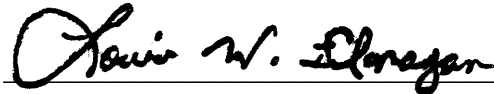
The district court reviews de novo those portions of a magistrate judge’s M&R to which specific objections are filed. 28 U.S.C. § 636(b). Absent a specific and timely filed objection, the court reviews only for “clear error,” and need not give any explanation for adopting the M&R. Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). The court does not perform a de novo review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

In this case, the magistrate judge has thoroughly and cogently addressed the issues raised by defendant. Defendant makes only a general and conclusory objection that does not direct the court to a specific error by the magistrate judge. Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the

¹ The motion to suppress, response, and M&R are filed under seal due to sensitive information contained therein. Where this order does not disclose such sealed information, this order is not filed under seal.

magistrate judge as its own, and, for the reasons stated therein, defendant's motion to suppress is GRANTED IN PART and DENIED IN PART. In particular defendant's motion to suppress is DENIED in all respects except for statements made by defendant after he was taken into custody and before officers gave the Miranda warnings. (See M&R (DE 40) at 18 n. 1).

SO ORDERED this the 6th day of August, 2019.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge